LIBRARY
SUPREME COURT, U.S.

Office - Supreme Court, U. S.
FILED
OCT 3 1952
CHARLES ELMORE CROPLEY

IN THE

Supreme Court of the United States

OCTOBER TERM, 1952

No. 226

J. LAURITZEN,
Petitioner,

against

EVALD JOHANN LARSEN,
Plaintiff-Respondent,

BRIEF OF *AMICI CURIAE* ON BEHALF OF THE ROYAL NORWEGIAN GOVERNMENT

JAMES S. HEMINGWAY,
Counsel for Amici Curiae.

IN THE

Supreme Court of the United States

OCTOBER TERM, 1952

No. 226

J. LAURITZEN,
Petitioner,

against

EVALD JOHANN LARSEN,
Plaintiff-Respondent,

BRIEF AS *AMICI CURIAE* IN SUPPORT OF PETITION

The undersigned, as counsel for

THE ROYAL NORWEGIAN GOVERNMENT

respectfully files as amici curiae the accompanying brief with the consent of the petitioner and respondent pursuant to Rule 27, paragraph 9(b) of the Rules of this Court.

JAMES S. HEMINGWAY,
Counsel for Amici Curiae.

TABLE OF CONTENTS

		PAGE
I	Argument	1
II	Conclusion	3

STATUTE INVOLVED

Jones Act, § 33 of the Act of June 5, 1920, 46 U. S. C. § 688 1

IN THE

Supreme Court of the United States

OCTOBER TERM, 1952

No. 226

J. LAURITZEN,
Petitioner,

against

EVALD JOHANN LARSEN,
Plaintiff-Respondent,

BRIEF OF *AMICI CURIAE* ON BEHALF OF THE ROYAL NORWEGIAN GOVERNMENT

I

ARGUMENT

The Royal Norwegian Government has a substantial interest in an interpretation by the Supreme Court of the United States of the scope of the application of the Jones Act to the facts herein.

The Royal Norwegian Government has provided by laws similar to the Workmen's Compensation Acts enacted in the United States of America for the care of ill and injured seamen. A brief outline of the remedies available to Norwegian seamen under Norwegian law is as follows:

(1) Hospitalization, medical care without cost to the seaman, board and lodging during the period of con-

valescence until declared fit for duty, and support for his family or dependents during the same period when signed off a Norwegian ship because of disability.

(2) Repatriation and wages during the period of disability; limited, however, to two months' wages for officers and one month's wages for others.

(3) Compensation from the national insurance funds corresponding to the percentage of disability if the disability is caused by an injury and is lasting. The purpose of this insurance is to compensate the seaman for his financial losses and is similar to Workmen's Compensation Acts enacted in various states of the United States. The measure of compensation is, of course, determined by the cost of living in Norway. In case of death the widow and minor children or other dependents will receive a pension.

A seaman cannot sign away his above mentioned rights under Norwegian law.

The expenses of this national insurance plan for seamen is partly paid direct by the owner of the ship, the seaman signed off partly by national insurance funds. Contributions to the national insurance funds are required of all Norwegian shipowners, depending upon the number of seamen employed and the tonnage of the ship, *Law Respecting Seamen of February 16, 1923 No. 1 as amended; Law Concerning Insurance Against Disease of June 6th, 1930 No. 18 as amended; Law Relating to the Insurance of Seamen Against Accidents of June 24th, No. 11 as amended; Law Relating to Seamen's Pension of December 3rd, 1948, No. 7.*

Seamen who sign on Norwegian ships all over the world agree in their standard articles to serve under and to be bound by agreements obtained by nationally sanctioned collective bargaining and the provisions of Norwegian law.

The articles cover the entire agreement between the seaman and the ship owner. Thus under Norwegian law Norwegian Consuls must make certain that seamen on Norwegian ships sign articles incorporating Norwegian law. A substantial number of Norwegian seamen sign articles

every year in the United States for employment on Norwegian vessels engaged in international trade.

II

CONCLUSION

It is respectfully submitted that this Court should grant the petitioner's application for a writ of certiorari to review the judgment of the United States Court of Appeals for the Second Circuit entered in this case on May 2, 1952.

Dated: New York, N. Y.,
October 2, 1952.

Respectfully submitted,

THE ROYAL NORWEGIAN GOVERNMENT

By JAMES S. HEMINGWAY
Counsel for The Royal Norwegian Government